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# The Times



# Dispatch

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THE DISPATCH FOUNDED 1860. THE TIMES FOUNDED 1860.

WHOLE NUMBER 16,753.

RICHMOND, VA., SATURDAY, JANUARY 28, 1905.

PRICE TWO CENTS.

## JURY AND ACCUSED VISIT THE SCENE

Fishburne Stands Unmoved on Spot Where He Stabbed Lefew.

## ONLY ONE WITNESS TO THE TRAGEDY

Mrs. Moyler Tells of the Tragedy at the Gate—Further Testimony as to Length of Knife Blade—The Prosecution Rests Case.

(Special to The Times-Dispatch.)  
ROANOKE, Va., Jan. 27.—In the trial of Charles E. Fishburne to-day, the Commonwealth rested its case, after putting on the only witness to any portion of the tragedy and the defense put on Edward L. Stone, brother-in-law of Fishburne, to tell what Fishburne told him about it.

The jury, Judge Alken, counsel and the prisoner visited the Lefew home this morning. The prisoner was as cool and collected as ever. For a good portion of the time he stood at the gate where he gave Dr. Lefew his death blow, and the remainder of the time he was on the porch. The jury were also shown the residence of Fishburne, and that of his brother-in-law, Edward Stone.

The crowd at court this morning was the largest yet, and Judge Alken was completely surrounded by women spectators.

**An Eye-Witness.**  
Shortly after court opened, Mrs. Edward Moyler, an eye witness, the only one who witnessed any part of the tragedy, testified that she and her husband had been on a drive, and after their return home, she saw Fishburne go to the Lefew residence.

A few minutes later, as she started up the steps of her home, she stated that she saw the two gentlemen step off the porch coming toward the gate. The two men reached the gate, and she saw them standing there. She walked up her steps and had gone about three or four yards, and she was walking backwards and they were inside the yard. When she looked back and walked up the steps, she saw them standing around and glanced across the street, Mr. Fishburne was just stepping up on the boardwalk, and Dr. Lefew was on the inside of the gate. Mr. Fishburne put his hand on the post. She looked away, and then glanced back, and saw them standing around and she saw them start to run from the gate to his porch. When he was about three yards away he moaned and said: "My God, and in another breath, he said: "Murder."

Mr. Fishburne leaped down at the gate, and then went in and went almost up to the porch, and then turned and came back out and went down the street. Mrs. Lefew then ran out screaming: "Stop that man! Stop that man! He has murdered my husband. He has killed my husband!"

Mrs. Moyler ran out of the gate and went out and caught Mrs. Lefew by the hand, and led her back to the gate.

**Again the Knife Blade.**  
Dr. R. B. Downey, the physician who performed the autopsy, was the next witness. His testimony agreed with that of other physicians, in regard to the depth and width of the wound, stating that the minimum length of the blade of the knife was 3 1/4 inches.

Thomas Couch testified that he was a member of the gun club of which Dr. Lefew was a member, and that the deceased weighed 135 pounds, and was probably not more than five feet, six and one-half inches.

The prosecution here rested its case.

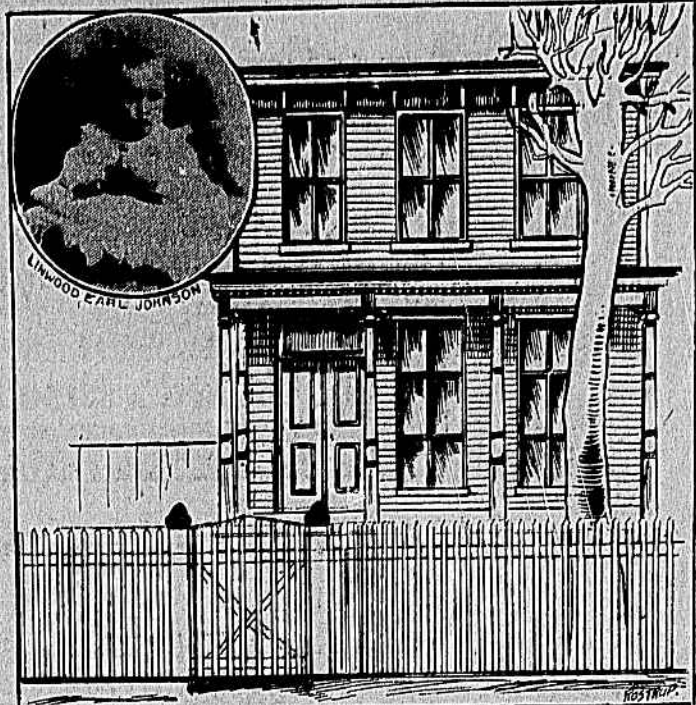
**For the Defense.**  
John Jennings, one of the boys who were with Victor Lefew when he was attacked by Fishburne, and had been summoned by the prosecution, was the first witness called by the defense. His evidence did not differ materially with that of the other boys.

The next witness was Edward L. Stone, brother-in-law of Fishburne, who testified that he saw the accused on the evening of the 30th of October. He was passing the corner at Mr. Alex. Johnson's on Commerce Street, and saw him coming up Commerce Street, about twenty or twenty-five feet from the corner. He noticed very decided red marks on his left cheek bone, and also that his left eye was considerably swollen.

He first started down to Dr. Lefew's with him at his request. He then started with him to look for his wife. There were several red marks on the left side of his face, which was very much swollen, and there were marks up and down his cheek bone. They were separate and looked like a blow when they were made with the knuckle of the fist.

He had heard about Dr. Lefew's being hurt. Mr. Fishburne had told him what happened at the Lefew home. The prosecution objected to the admission of such testimony, and there was a lengthy argument by counsel. Court took a recess, and when it reopened Judge Alken announced that he had decided to admit the statement made by Fishburne. Mr. Stone testified that he saw when he saw Fishburne that he saw him with a knife in his hand, and he saw him go down to Dr. Lefew's place with him. He asked him what was the matter, and he said that Dr. Lefew had assaulted him and he had cut him. He went on to say that boys were calling "Up to him" and that he whipped one of the boys. He

(Continued on Second Page.)



JOHNSON HOME, WHERE TRAGEDY OCCURRED. Here Little Linwood Johnson Was Killed and His Mother and Brother Seriously Hurt.

## CHILD IS DEAD; OTHERS INJURED

Range Explodes in Manchester Residence, Causing Tragedy.

## MOTHER SUFFERS MUCH

Young Linwood Earl Johnson, son of Mr. and Mrs. B. F. Johnson, of No. 514 West Twelfth Street, Manchester, lies in death, at his home; his brother, Bernard Johnson, is in bed from injuries, and Mrs. Johnson is suffering from mental shock and wounds received from the explosion of a stove.

The lamentable accident was due to the freezing of the water back pipes, attached to the stove in the kitchen, leading to the bath room, and as a means of supply to the hot water tank.

The explosion occurred while Mrs. Johnson was preparing breakfast. The two boys were in the room, and the mother was about to place a pan of biscuits in the stove when the explosion took place. The stove was a complete wreck. Young Linwood, who was four years old, was standing near the water pipe. At the explosion he was struck with several pieces of the stove, one of which cut him in the chin, and his body was almost covered with hot coals, hot water and hot ashes. His death was due to shock.

**Brother Seriously Hurt.**  
Bernard was out on the head, face and body, by small pieces of iron, and it is believed he will recover. He is six years old.

Mrs. Johnson was knocked down by the force of the explosion, and a gash was cut in her face by a piece of iron.

The neighborhood was aroused by the explosion, and within a few minutes Dr. Ingram, Rucker, Hill and Baker were on hand to do what they could. Nothing could be done for Linwood, but Mrs. Johnson and Bernard were made as comfortable as possible.

**Father Was Away.**  
Mr. Johnson, who is an engineer on the Atlantic Coast Line, was at Rocky Mount, N. C. yesterday morning. He was telegraphed for, and reached home in the afternoon.

The funeral of the boy will be held on Monday at 2 o'clock. The body will be taken to Beaver Dam at 2 o'clock to be buried in the old family burying ground.

The Johnson family is one of the best known in their locality, and the entire community was wrapt in sorrow at the touching tragedy.

Coroner Brodnax viewed the remains of the lad and declared death due to shock.

Mr. Charles Burkert, the plumber, who put in the range, explained yesterday that an explosion would occur at any time in any range under similar circumstances. If the water back is made very hot before a thaw is effected, an explosion is certain.

## GREAT DIAMOND WORTH \$5,000,000

Just Discovered in African Mine Controlled by Jefferson M. Levy.

## EXCITEMENT OVER FIND

(By Associated Press.)  
JOHANNESBURG, TRANSVAAL, Jan. 27.—The largest diamond ever discovered has been found near Pretoria. The stone weighs 3,032 carats, and is said to be a pure white diamond of good quality. It is locally valued at \$3,000,000 to \$4,000,000.

The famous Kohinoor, which is valued at \$200,000, weighs 123 carats (though it is said to have weighed 900 before it was cut). There is immense excitement here, and at Pretoria as a result of the discovery.

(Special to The Times-Dispatch.)  
NEW YORK, Jan. 27.—The largest diamond the world has yet seen, has just been unearthed near Pretoria in the Transvaal, South Africa. Former Congressman Jefferson M. Levy, the largest stockholder in the Premier Diamond Company, of South Africa, which discovered the treasure to-day, received a telegram from his London agent stating that the new diamond weighed 3,032 carats and that experts estimated its value at \$5,000,000.

"For some time," said Mr. Levy the value of our stock has been going up. I was at a loss to account for it until I received the dispatch, which explained the discovery. The purity of the big diamond is said to be of the first water. The new diamond has only been exceeded in size by the great Brazilian diamond unearthed some years ago, which Dr. Kunz, Tiffany's diamond expert, was only serviceable for boring purposes."

**COTTON MEN TO HOLD MEETING IN ASHEVILLE**  
(By Associated Press.)  
NEW ORLEANS, Jan. 27.—President Jordan presided over a meeting to-day of the Executive Committee of the Southern Cotton Association. Most of the members of the committee remained over to attend.

John M. Parker, former president of the New Orleans Cotton Exchange, who was elected treasurer of the association by the convention, was present. The committee decided to hold the first annual meeting of the association at Asheville, N. C., on August 15th. It was decided the producers of each precinct in cotton growing counties should meet on February 11th, that the county conventions should be held on February 16th, and that the various State and territorial conventions for the purpose of organizing and naming of the representatives in the parent association should meet at the various State capitals on February 17th.

Attending and proper occasion, I expressed the opinion that legislation should be enacted abolishing the common law doctrine of non-liability of the employer for injuries resulting from the negligence of a fellow servant engaged in dangerous railroad service. I am now supporting a similar bill, which is pending in Congress, making the doctrine which has been adopted in Virginia the law in all interstate traffic."

**REPORT PROVIDES FOR TWO NEW BATTLESHIPS**  
WASHINGTON, Jan. 27.—The House Committee on Naval Affairs to-day decided upon the naval expansion programme to be incorporated in the naval appropriation bill, providing for but two battleships. They are to be of 16,000 tons each, representing the largest type and carrying the heaviest armament and armor.

**47 WANT HELP TO-DAY.**  
The 47 advertisements for help published in to-day's Times-Dispatch on page 8 are as follows:  
2 Trades, 27 Domestic, 3 Salesmen, 6 Agents, 9 Miscellaneous.

This not only interests those out of work, but those desiring to improve their positions as well.

## ATTORNEY AND JUDGE INDICTED

Former Supreme Court Justice Involved in Scandal.

## GRAND JURY IS STILL AT WORK

Case Has Been Prolific of Sensational Features and More Is to Come—The Men That Are Indicted Are All Well Known.

(By Associated Press.)  
NEW YORK, Jan. 27.—Indictments in connection with the Dodge-Morse divorce complications were handed down to-day against former Justice of the Supreme Court Edgar L. Furman, H. Hummel and Benjamin F. Steinhardt, of the law firm of Howe and Hummel, Edward J. Bracken, a detective, and to have been employed by the firm, Charles F. Dodge, the former husband of Mrs. Morse, and several other persons, whose names have not yet been made public.

The grand jury was excused from further duty until next Tuesday, when it is said, more indictments will be found. The indictments against Hummel and Steinhardt are two each for subornation of perjury, and one each for conspiracy. Against Furman, Dodge and Bracken, are one indictment each for conspiracy. The alleged subornation of perjury consisting in inducing Dodge to make an affidavit that the divorce case, and also to swear to the same effect before Referee Hall. The alleged conspiracy consisted in an alleged attempt to defeat the ends of justice by having a marriage set aside illegally.

**Rich in Sensations.**  
The Dodge-Morse matrimonial tangle has been rich in sensational features. At the time the divorce of Mrs. Clarence Dodge was first questioned by her former husband, who alleged that he had never been properly served with papers in the proceeding, the legality of Mrs. Dodge's marriage to Charles W. Morse was in question by the courts, and the tangle that resulted has never been straightened out.

After this marriage tangle sought to have the case reopened, and made affidavit that he had not properly served with divorce papers. Justice Furman served with divorce papers. Mrs. Morse at that time. The district attorney charged before the grand jury that Mrs. Morse never was consulted by her attorney, and that her interests were not properly cared for. One of the attorneys appeared in the original action came forward and produced a letter, which he said he had received from Dodge, telling of the service of the divorce papers. The charge of subornation of perjury grew out of the Dodge affidavit.

Justice Furman sat for years on the bench of the Supreme Court in New York county, and Abraham Hummel is one of the most widely known lawyers of this city. Hummel appeared at one stage of the legal proceedings as counsel for Mrs. Morse.

**Big Struggle Coming.**  
Hard as the contest has been, it is agreed that it was a mere skirmish as compared with the mighty battle which will be fought on this question next fall, if the subject be taken up at the extra session the President is expected to call then, or at the regular session next winter. The sentiment of the House of Representatives has been demonstrated to be overwhelmingly in favor of regulation of rates. The bill which will pass, in all probability the measure introduced by Mr. Hepburn, is still in committee, but there will be daily hearings on it for several days, and it will be reported next week, and passed as quickly as possible.

The bill will then go to the Senate and slumber in committee until the next session, when it will have to get through the House again and then run the gauntlet of the Senate. The bill would pass by a vote in the Senate. The arts of the opponents of the measure are exercised to prevent its ever being voted on.

There is a wide difference in the attitude of the members and of the senators on this question. Members, irrespective of party, declare they are for the bill. They will vote for it. Senators declare they are for the legislation proposed, but by their actions indicate that they are

(Continued on Fifth Page.)

**POINTER ON THE WEATHER**  
FORECAST—For At 1 A. M.  
Saturday and Sunday:  
Virginia—Fair Saturday; Sunday, clear, cold, with light snow or sleet in north portion; fresh southwest wind in north west portion; Sunday, fair, light to fresh southwesterly winds, becoming variable.  
CONDITIONS YESTERDAY:  
Temperature: max., 43; min., 19; mean, 26; normal, 38; difference, 13; precipitation, .00; range of thermometer, 9 A. M., 29; 12 M., 34; 3 P. M., 40; 6 P. M., 36; 9 P. M., 31; 12 midnight, 23; average, 25; sunrise, 7:40; sunset, 5:28; moon, first; 12:30 high tide, morning, 10:35; evening, 11:35.



ALL QUIET IN ST. PETERSBURG.

## GOVERNMENT CONTROL NEXT

Rate Legislation Will be First Step in Direction of Ownership of Railways.

## FIGHT OVER FOR THIS SESSION

(From Our Regular Correspondent.)  
WASHINGTON, D. C., Jan. 27.—The railroads assert through their representatives that they have given up the fight against regulation of rates by the government, and will not oppose legislation along this line. This is, in politics, pure and simple. The roads have not ceased the fight. They wish this impression to be created, but a senator told me to-day that the great transportation lines were working just as hard to prevent Congress from taking action on this subject as they had done at any time in the past. Nearly every great railway system of the country has a representative here, and he has been here for a month or two. He has succeeded in staying the movement for rate regulation at this session. To that extent he has won his fight.

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(Continued on Fifth Page.)

## RUSSIANS BEAT JAPANESE BACK

Make Counter-Movement and Seize and Hold Several Villages.

## FIGHTING VERY STUBBORN

(By Associated Press.)  
HUANGHAI, Jan. 27.—On Thursday the Japanese began moving against the Russian right, attacking viciously Russian positions along the Hun River, where that stream bends southward. Inside the Russian lines the belief existed that General Nogai's army, arriving from Port Arthur, was in reserve, supporting the movement. The Russians not only beat off the attack after severe fighting, but advanced in the evening to the line of Hugouidi and Houjladzy. Throughout the night and day the artillery was at work, the cannonading constantly increasing in strength and extending further along the center, becoming fiercer every minute.

## ADVANCE ON ENEMY.

Kuropatkin Reports Occupation of Villages and Repulse of Japanese.

(By Associated Press.)  
ST. PETERSBURG, Jan. 27.—General Kuropatkin reports that Russian troops on January 26th at 7 P. M., after a desperate fight, occupied the village of Sadeap, which had been strongly fortified by the Japanese.

Under date of January 25th, General Kuropatkin telegraphed as follows to Emperor Nicholas:  
"The advance has commenced of our right flank against the enemy. We have occupied Khatlala and Kheigoutay, a general Kuropatkin adds: 'No details have been received of the losses at Khatlala and Kheigoutay, which are seven versus southwest of Sandepa. We occupied Khatlala without firing, the Japanese being bypassed. Kheigoutay was bravely defended, but we finally occupied it at 10 o'clock at night. Our cavalry pursued two regiments of Japanese dragons, which fled northward. On our left flank a detachment repulsed the Japanese and occupied a defile between Khandansan and Expanian. Another detachment, sent against the enemy's flank near Hlindkechong forced the Japanese to retire and captured 200 cattle."

At the same time the strike situation generally is improving. In St. Petersburg there is no longer any doubt that the strike is practically broken. Fourteen establishments, including the Franco-American Rubber Company and Ropes-American Refinery, already have resumed, and an entire starting up of factories seems to be assured for next Monday. A remarkable change in the attitude of the strikers is noticeable. They have seemingly turned their backs upon political agitators and accepted the government's promise of a suspension of strikes on condition of a settlement of their grievances at their face value.

## Believe Revolt Has Failed.

Jan. 27, 1905 P. M.—Early reports from all over Russia indicate that the strike situation is flattening out. The authorities regard the danger of a general tie-up of Russia as having been practically overcome, and that the attempt to turn the movement into a general political revolt has failed.

The government's promise of shorter hours of labor has been proclaimed in Moscow and other cities, and strikers have had effect upon the workmen. The political side of the movement is again sinking beneath the surface. When and in what form it will again break out only the future can determine. The authorities desist everywhere seemingly are attempting to treat the workmen whose aspirations are purely economic, without harshness, and are appealing to their patriotism by pointing out the benefit which will accrue to the Japanese by a suspension of work at the warlike dockyards, etc.

On the other hand, the authorities are putting down the revolutionists with a stern hand. The latter again have been forced to cover meetings being almost impossible.

The morgue still contains many unidentified dead. The hands of some of the victims are white, and on their fingers are diamond rings, the supposition being that they were liberals of gentle birth, in sympathy with the strike movement. They were dressed up as workmen and took part in the demonstrations.

## QUICK IN MOSCOW.

Alarming Reports Received From Ivanovo-Venetsansk.  
(By Associated Press.)  
MOSCOW, Jan. 27.—The day passed quietly. It is now almost certain that the strike movement in Moscow and its immediate vicinity will wear itself out within a few days. The strikers refuse to work this afternoon, and a few have gathered south of the river have been arrested; but it is suspected that the men are trying to evade the order that they should not be paid unless they re-

## WARSAW NOW IN THROES OF STRIKE

Socialists at Work; People Starving; Situation Very Grave.

## MILITARY FIRE ON CROWD; TWO KILLED

Special Council Held at Tsarskoe and Selo Decides on Conciliatory Measures—Revolt in St. Petersburg and Moscow Seems to be at an End.

(By Associated Press.)  
WARSAW, Jan. 27.—A collision between troops and strikers occurred in Leszno Street to-day, in which the military used their arms. It is officially stated that the casualties were two killed and seven wounded. The strikers invaded the Wolaski suburb and broke into liquor shops. There was a sharp encounter with the police.

(By Associated Press.)  
ST. PETERSBURG, Jan. 28.—A special council was held at Tsarskoe Selo yesterday, at which it is reported, various conciliatory measures were decided upon, but no details have yet been published.

The strike continues at Saratoff, Liban and Lodz. No newspapers have appeared in either city. At Warsaw the situation appears to be becoming worse. The strike is rapidly spreading, shops have been closed there are no newspapers and the telephone service has been stopped.

(By Associated Press.)  
LONDON, Jan. 27.—The situation in Warsaw is very grave, according to the correspondent there of the Daily Mail. When the strikers struck, rich people besieged the shops and bought the stocks, and the supply of bread is now exhausted. The Socialist party was instrumental in organizing the strike. The correspondent adds that the general conditions in Poland are becoming worse. The strike is rapidly spreading, shops have been closed there are no newspapers and the telephone service has been stopped.

## STRIKE BROKEN.

St. Petersburg Quiet—Men Returning to Work.

(By Associated Press.)  
ST. PETERSBURG, Jan. 28.—2:30 A. M.—The news of General Kuropatkin's successful repulse of the Japanese, comes most opportunely. The ballet exists here that Field Marshal Oyama sought to take advantage of any depression prevailing in the Russian ranks as the result of the news from St. Petersburg to launch an attack against the general Kuropatkin's right, but the Russian commander-in-chief seems to have nicely turned the tables, inflicting considerable loss upon the Japanese on Thursday and taking several positions strewn along the plain of the Hun River.

The authorities are receiving the news from the front with great satisfaction, being convinced that it will serve to at least partially divert attention from the strike situation and from internal affairs generally.

**Strike Broken in Capital.**  
At the same time the strike situation generally is improving. In St. Petersburg there is no longer any doubt that the strike is practically broken. Fourteen establishments, including the Franco-American Rubber Company and Ropes-American Refinery, already have resumed, and an entire starting up of factories seems to be assured for next Monday. A remarkable change in the attitude of the strikers is noticeable. They have seemingly turned their backs upon political agitators and accepted the government's promise of a suspension of strikes on condition of a settlement of their grievances at their face value.

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